

Dear Sirs:

Free speech includes the expression of intellectual property under the GNU license. The internet is an information transfer media for communication between the citizenry.

The promulgation of a ruling tht would invade the personal computers of the citizens containing private communications without a warrant and making the receipt of a communication a felony by having stored a communication of the GPL expressed language expressed in expressive code is a substantial infringement into the private lives of the citizenry.

When a citizen seeks to assemble on the net in a peer-to-peer mail setting and share grievances, plan strategies for positive change and to communicate code that is the expression of serious thought and is in many cases born as copyrighted expression, the FCC in taking exception to this communication is attempting to regulate not broadcasting or spectrum, but a medium of information transfer that is as private as the United States mail.

Reading the content of the expression of the political and intellectual thoughts of a citizen has a chilling effect when the privately communicated expressions are subject to the harassment of the sender by the state policing agencies based upon your finding the the FCC that the thoughts and material may contain stolen or copyrighted material from another media. Legislators can pass laws after vigorous debate. The law of the internet is being addressed by the Congress. The FCC is expropriating a power to punish the citizenry at the behest of powerful commercial interests without the enabling mandate to extend what is the reach of law without Congress having clearly spoken by legislation as to the limitation given in the First Amendment to the free speech inherent in information transfer.

Please reconsider any action that you are in the process of taking that would limit GNU radio. The recording and holding of a digital record for the private use and reuse by an individual should not be a state crime. Transmitting and copying of private property can be prosecuted now. Further extension by the FCC to what is the personal library of citizens can contain goes far beyond what your regulatory agency has been chartered to address. You are saying what a person can hold within the privacy of his home is your business. The Courts have held that some issues are political and should be addressed by the legislature. If the Congress seeks to make government by statute a partner to those that would seek to see what I have received over as an information transfer, then the Congress can pass such a law.

The step that you are promulgating is a misuse of the power granted the FCC and should be stopped until the legislature debates and intervenes on this issue so basic to the First Amendment rights of communincation between citizens.